

MCCATHERN

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April 22, 2024

By CM/ECF

The Honorable P. Kevin Castel
Southern District of New York
500 Pearl St.
New York, NY, 10007

Re: *United States of America v. Charles Riley Constant, a/k/a "Chuck Constant"; 23 Cr. 379 (PKC)*

Dear Judge Castel:

I write to respectfully request and submit an additional reference letter in support of the Sentencing Submission for the Defense. I received this additional letter after our filing and submission deadline and as such it was not attached to the original Defense Sentencing Submission filed on April 11, 2024.

I recognize that the additional letter of support is untimely but would respectfully request that you review and consider it, in addition to those provided with the Defense Sentencing Submission. I have spoken with the Assistant United States Attorney on this case and she does not object to our late submission.

Thank you in advance for your consideration of this unopposed request.

Regards,



Jennifer L. Falk

Kendall Potter

34 Branson Mill Dr, NW
Cartersville, GA 30120
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April 14, 2024

Dear Judge Castel,

My name is Kendall Potter, and I am a long time friend of Charles "Chuck" Constant. I am writing this letter of support for Chuck so that you might better get to know him as a person as seen through the eyes of his friends. I first met Chuck in 1988 in college while attending the Air Force Reserve Officer Training program at the University of Texas. We became best friends pretty much instantly, and have remained so to this day. Chuck and I were best men at each other's weddings, I am his children's godfather, and we have remained close over the past 36 years, despite living geographically separated lives primarily due to each of our military service.


As college roommates, we spent a considerable amount of time together and had very in depth conversations about a wide array of topics to include moral and ethical discussions, and I can assure you that Chuck is as loyal as they come to our country, our constitution, and the citizens he served throughout his military career. In fact, I don't remember meeting anyone in my 22 year career in the Air Force who better embodied the Air Force core values of integrity first, service before self, and excellence in all we do. His late father was a flight surgeon and retired as a Colonel from the Air Force Reserves, and his brother was a Marine. He comes from an outstanding family of patriots and was raised by a man of good character to be a man of good character.

Because of this, I am truly shocked by the allegations against him and can't even imagine that Chuck willfully took part in any sort of scam or action that would hurt others or our government. In my humble opinion, for him to do so, based on all that I know about him, would be an enormous departure from his true character. Sir, I certainly admit that I don't have all the facts in this case, but from what I do know about Chuck, in my heart, I have to believe that his actions were those of unintentional mistakes rather than actions of intentional deception. I understand Chuck has chosen to plead guilty to the charges against him, and I know that he is gravely remorseful of the poor choices he has made. I am not knowledgeable enough in this area to know

for sure what exact actions he should have taken, but I do believe that his errors, were errors in procedure or judgement and not mistakes born out of criminal intent.

If during your review of the evidence, you are able to offer a lesser sentence, I would plead with you to do so based on this man's service to his country, his previous record of good conduct, and the needs of his family. I have no doubt that he has already learned the lessons this situation dictates and that he poses no criminal or civil risk or threat to society. I am still very much happy to call him my friend and am hopeful you will offer as much leniency as the law allows. Thank you so much for allowing me to present my letter to you, and for your careful consideration.

Very respectfully,

A handwritten signature in black ink, appearing to read "Kendall D. Potter", with a long horizontal flourish extending to the right.

Kendall D. Potter

Lt Col, USAF retired